

MANDATE

E.D.N.Y./Brooklyn  
98-cv-6552  
Block, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT  
E.D.N.Y.  
★ MAR 29 2005 ★

At a stated Term of the United States Court of Appeals for the Second Circuit,  
held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New  
York, on the 29th day of Dec. two thousand and four,

Present:

Hon. Guido Calabresi,  
Hon. Sonia Sotomayor,  
Hon. Peter W. Hall,

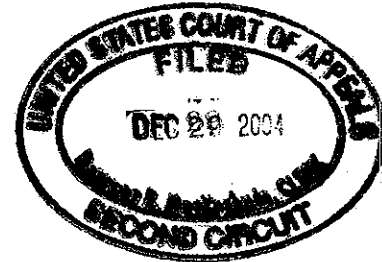
Detroy Livingston,

Petitioner-Appellant,

v.

Walter Kelly,

Respondent-Appellee.



04-6162-op

Petitioner, *pro se*, moves for an order authorizing the United States District Court for the Eastern District of New York to consider a successive 28 U.S.C. § 2254 petition. Upon due consideration, it is ORDERED that the motion is DENIED because the petitioner has not met the criteria set forth in 28 U.S.C. § 2244(b) and, even if considered pursuant to pre-Anti-Terrorism and Effective Death Penalty Act law, it does not present grounds that would entitle the district court to grant relief.

FOR THE COURT:  
Roseann B. MacKechnie, Clerk

By: Shirley Carr

DEC 29 2004

SAO-AJK

A TRUE COPY  
ROSEANN B. MacKECHNIE, CLERK

ISSUED AS MANDATE: MAR 29 2005